

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1312

Introduced by Cudaback, 36; Brown, 6

Read first time January 19, 2000

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to elevators; to amend sections 48-418.02 to
2 48-418.04, 48-418.06, 48-418.07, 48-418.10, 48-418.11,
3 and 48-418.14, Reissue Revised Statutes of Nebraska; to
4 name an act; to provide for exemptions from the act; to
5 create a board; to provide powers and duties; to
6 harmonize provisions; and to repeal the original
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 48-418 to 48-418.14, this section,
2 and sections 10 to 14 of this act shall be known and may be cited
3 as the Nebraska Elevator Act.

4 Sec. 2. Section 48-418.02, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 48-418.02. The Commissioner of Labor and the state
7 elevator inspector shall have the right and power to enter any
8 building or structure, public or private, for the purpose of
9 inspecting any equipment covered by ~~sections 48-418 to 48-418.12~~
10 the Nebraska Elevator Act or gathering information with reference
11 thereto.

12 Sec. 3. Section 48-418.03, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 48-418.03. Upon making an inspection of any equipment
15 covered by ~~sections 48-418 to 48-418.12~~ the Nebraska Elevator Act
16 and receipt of the inspection fee, the inspector shall give to the
17 owner or user thereof a certificate of inspection, upon forms
18 prescribed by the Commissioner of Labor. The certificate shall be
19 posted in the elevator car.

20 Sec. 4. Section 48-418.04, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 48-418.04. The ~~provisions of sections 48-418 to~~
23 ~~48-418.12~~ Nebraska Elevator Act shall not apply to (1) elevators
24 under the jurisdiction and subject to inspection by the United
25 States Government, (2) elevators used exclusively for agricultural
26 purposes, ~~and~~ (3) elevators in private residences, (4) elevators in
27 buildings owned by churches and used for religious activities, and
28 (5) elevators in buildings owned by fraternal organizations and

1 used for fraternal activities.

2 Sec. 5. Section 48-418.06, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 48-418.06. The state elevator inspector shall maintain a
5 complete and accurate record of the name of the owner or user of
6 each elevator and equipment subject to ~~sections 48-418 to 48-418.12~~
7 the Nebraska Elevator Act and a full description of the equipment
8 and the date when last inspected.

9 Sec. 6. Section 48-418.07, Reissue Revised Statutes of
10 Nebraska, is amended to read:

11 48-418.07. The inspections required by ~~sections 48-418~~
12 ~~to 48-418.12~~ the Nebraska Elevator Act shall not be made when any
13 owner or user of any equipment obtains an inspection by a
14 representative of a reputable insurance company licensed to do
15 business in Nebraska, obtains a policy of insurance from such
16 company upon the equipment, and files with the Commissioner of
17 Labor a certificate of inspection by such insurance company and a
18 statement that such equipment is insured, and no fee shall be
19 required. No inspection shall be required under ~~sections 48-418 to~~
20 ~~48-418.12~~ the act when there has been an annual inspection under a
21 city ordinance which meets the standards of the Nebraska Elevator
22 Code.

23 Sec. 7. Section 48-418.10, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 48-418.10. The Elevator Inspection Fund is hereby
26 created. The Commissioner of Labor shall use the fund for the
27 administration of the elevator inspection program pursuant to
28 ~~sections 48-418 to 48-418.14~~ the Nebraska Elevator Act. The fund

1 shall consist of money appropriated to it by the Legislature and
2 fees collected in the administration of the elevator inspection
3 program.

4 Fees so collected shall be remitted to the State
5 Treasurer for credit to the fund and shall not lapse into the
6 General Fund. Any money in the Elevator Inspection Fund available
7 for investment shall be invested by the state investment officer
8 pursuant to the Nebraska Capital Expansion Act and the Nebraska
9 State Funds Investment Act.

10 Sec. 8. Section 48-418.11, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 48-418.11. Any person~~7 persons7 corporations~~ or
13 corporation, and the directors, managers, superintendents, and
14 officers of such ~~corporations~~ corporation, violating any of the
15 provisions of ~~sections 48-418 to 48-418.127~~ the Nebraska Elevator
16 Act shall be guilty of a Class V misdemeanor. Each violation shall
17 be a separate offense.

18 Sec. 9. Section 48-418.14, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 48-418.14. For purposes of ~~sections 48-418 to 48-418.12~~
21 the Nebraska Elevator Act, unless the context otherwise requires,
22 elevator ~~shall include~~ includes (1) any hoisting or lowering
23 mechanism equipped with a car or platform which moves in guides in
24 a substantially vertical direction and which serves two or more
25 floors of a building or structure, (2) an escalator, (3) a
26 power-driven incline, (4) a continuous stairway used for raising or
27 lowering passengers, (5) moving sidewalks, (6) dumbwaiters, and (7)
28 tray conveyors.

1 Sec. 10. There is hereby created the Elevator Code
2 Advisory Board. The board shall consist of seven members appointed
3 by the Governor with the approval of the Legislature. Within
4 thirty days after the effective date of this act, the Governor
5 shall appoint three members for terms of two years and four members
6 for terms of four years. Each succeeding member of the board shall
7 be appointed for a term of four years, except that a member
8 appointed to fill a vacancy shall serve for the unexpired term. If
9 the Legislature is not in session when a member of the board is
10 appointed, such member shall take office and act as an appointee
11 until the next session of the Legislature.

12 Sec. 11. The membership of the Elevator Code Advisory
13 Board shall consist of one member who represents owners and users
14 of elevators and has experience with elevators, one member who
15 represents sellers of elevators, one member who represents the
16 crafts involved in the construction, repair, or operation of
17 elevators, one member who represents the insurance industry, one
18 member who is a licensed professional engineer or architect with
19 experience with elevators, one member who represents the interest
20 of public safety, and one member who represents the public. The
21 state elevator inspector shall be a nonvoting member of the board.

22 Sec. 12. The members of the Elevator Code Advisory Board
23 shall hold an annual meeting in July of each year, or at such other
24 time as the board determines, and shall elect a chairperson from
25 the membership at the annual meeting. Other meetings of the board
26 shall be held when called with at least seven days' notice to all
27 members by the chairperson of the board pursuant to a call signed
28 by four other members. Four members of the board shall constitute

1 a quorum for the transaction of business.

2 Sec. 13. Each member of the Elevator Code Advisory Board
3 shall be paid the sum of fifty dollars per day while actually
4 engaged in the business of the board. The members of the board
5 shall be paid their mileage and expenses in attending meetings of
6 the board and carrying out their official duties.

7 Sec. 14. The Elevator Code Advisory Board shall hold
8 hearings and advise the Department of Labor regarding rules and
9 regulations for methods of testing equipment and construction and
10 installation of new elevators required to be inspected by the state
11 elevator inspector and for inspection and certificate fees for
12 inspection of such elevators.

13 Sec. 15. Original sections 48-418.02 to 48-418.04,
14 48-418.06, 48-418.07, 48-418.10, 48-418.11, and 48-418.14, Reissue
15 Revised Statutes of Nebraska, are repealed.